

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

## STAFF REPORT

Hearing Date/Agenda Number  
8-11-04 Item No. #

File Number  
PDC04-010

Application Type  
Planned Development Zoning

Council District  
6

Planning Area  
South

Assessor's Parcel Number(s)  
455-32-001 & 455-32-006

### PROJECT DESCRIPTION

Completed by: Erin Morris

Location: West side of Masonic Drive, approximately 520 feet southerly of Canoas Garden Avenue

Gross Acreage: 4.67

Net Acreage: 3.43

Net Density: 50 units per acre

Existing Zoning: A Agriculture

Existing Use: Vacant

Proposed Zoning: A (PD) Planned  
Development

Proposed Use: 172 single-family attached units

### GENERAL PLAN

Completed by: ELM

Land Use/Transportation Diagram Designation  
Transit Corridor Residential (20+DU/AC)

Project Conformance:  
☒ Yes ☐ No  
☒ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: ELM

North: Church

R-1-8 (PD)

East: Scottish Rite Temple

R-1-8 (PD)

South: Single-family and multi-family residential

R-1-8 and R-M Residence Districts

West: Second Harvest Food Bank, Almaden  
Expressway

A(PD) Planned Development

### ENVIRONMENTAL STATUS

Completed by: ELM

☐ Environmental Impact Report found complete  
☐ Negative Declaration circulated on  
☒ Draft Negative Declaration circulated on July 22, 2004

☐ Exempt  
☐ Environmental Review Incomplete

### FILE HISTORY

Completed by: ELM

Annexation Title: Canoas No 3-A

Date: April 20, 1973

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval  
☐ Approval with Conditions  
☐ Denial  
☐ Uphold Director's Decision

Date: 8/3/2004

Approved by: \_\_\_\_\_  
☐ Action  
☒ Recommendation

APPLICANT/OWNER	DEVELOPER
San Jose Scottish Rite Foundation Attn: Leo Mark 2455 Masonic Drive San Jose, CA 95158	Vitoil, Inc. Stefan Martirosian 11170 Aqua Vista Avenue Studio City, CA 91602
<b>PUBLIC AGENCY COMMENTS RECEIVED</b>	
<b>Completed by: ELM</b>	
<b>Department of Public Works</b>	
See attached memorandum	
<b>Other Departments and Agencies</b>	
See attached memoranda from Fire Department, Police Department, Environmental Services Department, Parks Department, and the Santa Clara Valley Water District	
<b>GENERAL CORRESPONDENCE</b>	
None received.	
<b>ANALYSIS AND RECOMMENDATIONS</b>	

## BACKGROUND

The applicant, San Jose Scottish Rite Foundation, is requesting a Planned Development Rezoning from A Agriculture to A(PD) Planned Development to allow the development of up to 172 single-family attached residential units and a public park on 4.76 gross acres. The project density is 50 dwelling units per acre, based on the net area of the site proposed for residential development.

## Site Conditions

The subject site consists of a 0.5 acre parcel located adjacent to the Almaden Expressway off-ramp and a vacant portion of the 10-acre Scottish Rite Temple property, located at the terminus of Masonic Drive. A large quantity of fill was placed on the vacant portion of the Scottish Rite property at the time the adjacent temple facility was constructed. The fill area of the site is relatively flat, but lies below the elevation of the Scottish Rite Temple. The total 4.67-acre project site includes approximately 80 trees located along the perimeter. Approximately two-thirds of the project site along the Curtner Avenue off-ramp is located within the 100-year floodplain. An existing sanitary sewer easement runs along the western and southern portion of the site.

**Project Vicinity**

The project site is surrounded by the Curtner Avenue off-ramp from northbound Almaden Expressway and Second Harvest Food Bank to the west, a church to the north, the Scottish Rite Temple to the east, and single-family and multi-family residences to the south. The subject site lies approximately 1,000 feet west of Highway 87 and the Curtner Avenue Light Rail Station. Five bus lines serve the general area and an existing shopping center on Curtner Avenue provides a variety of commercial services within walking distance of the site.

**Project Description**

The proposed rezoning includes a 3.43-acre housing site and a 1.3 acre site to be dedicated to the City for development of a public park. The housing site is proposed to be developed with 172 condominium units in two five- and six-story buildings on podiums above one level of parking. The buildings, which reach a height of 81 feet, include both flats and two-story loft units in one, two and three-bedroom configurations. The project proposes private open space in the form of balconies. Common open space includes podium courtyards and a 3,400 square-foot, at-grade grassy area along the western edge of the site. The turf area will serve a dual function as a recreation amenity and a storm water bio-filtration area. Each of the two residential buildings contains three landscaped courtyards. The project proposes to remove five of the 17 ordinance-sized trees on the site and 26 non-ordinance sized trees. A retaining wall approximately 5 feet in height is proposed along the easterly edge of the project site adjacent to the Scottish Rite Temple.

Vehicular and pedestrian access to the site is provided via a private driveway from Masonic Drive. The driveway separates the two residential buildings and ends in a parking area adjacent to the future public park site. Emergency vehicle access is provided via Pebble Beach Drive, an existing cul-de-sac that terminates at the southern end of the project site. Only pedestrian and emergency vehicle access will be permitted at this location. Pedestrian access is provided to the public sidewalk along the Curtner Avenue off-ramp.

The residential project proposes 284 parking spaces distributed as follows: 94 parking spaces below the podium of Building One, 109 parking spaces below the podium of Building Two, 26 parking spaces near the vehicular entrance from Masonic Drive, 26 parking spaces outside of the podiums between Buildings One and Two, and 29 parking spaces in the area between Building Two and the future public park.

The applicant is proposing to dedicate the public park site to satisfy the project's obligation pursuant to the Parkland Dedication Ordinance. Although the project plans include a conceptual park design, the final design will be the subject of a subsequent City-initiated master plan process.

**PUBLIC OUTREACH**

A community meeting was held on April 27, 2004 at the Scottish Rite Temple. Community members who attended the meeting expressed concern regarding parking, construction impacts,

pedestrian traffic through the neighborhood, flooding, traffic, and the development of the park site. Notices of the public hearing before the Planning Commission and City Council were published, posted on the City of San Jose web site and distributed to the owners and tenants of all properties located within 1,000 feet of the project site. A Draft Mitigated Negative Declaration for the project was also mailed to property owners and tenants within 1,000 feet of the project site and was posted on the City web site. Staff has been available to discuss the project with members of the public.

## **ENVIRONMENTAL REVIEW**

Based on an Initial Study prepared for this project, a Draft Mitigated Negative Declaration was circulated for public review indicating that the project would not result in a significant environmental impact. Based on the Initial Study, mitigation has been included in the project in the areas of biological resources, cultural resources, geology, noise, air quality, hazards and hazardous materials, hydrology and water quality, and traffic. The key areas of concern for this project include air quality/hazardous material, hydrology, and traffic as outline below:

**Air Quality/Hazardous Materials.** Asbestos-containing serpentinite rock is present over the entire project site. In order to ensure that grading and construction of the project does not expose construction workers or nearby residents to health impacts associated with airborne asbestos, the project will implement measures to control asbestos during all grading and construction activities on the project site. Staff has included a condition in the Draft Development Standards requiring that the applicant submit a health and safety plan prior to the issuance of a Planned Development Permit. This plan will incorporate a detailed program for dust control as well as measures for monitoring the effectiveness of these measures in conformance with the recommendations of the Initial Study and the requirements of the California Air Resources Board.

**Hydrology.** The northwesterly portion of the project site is located within the 100-year floodplain. Sheet flow flooding across the site is caused by overflows of Canoas Creek located to the southwest. The proposed project has been designed to allow flood water to continue to enter the site from the southwest and to flow across the park, the southerly parking lot and along the westerly side of Building Two. The hydrology study prepared for the project indicates that this design will accommodate the 100-year flood flows without increasing flood elevation levels on surrounding properties. Proposed grading and the podium structures elevate the residential buildings, driveway and the remaining parking areas so that they are not subject to flooding. The applicant will obtain a Letter of Map Revision to officially remove the area proposed to be elevated above flood levels from the 100-year floodplain as designated on the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Maps.

**Traffic.** The traffic study prepared for the proposed rezoning indicates that project traffic would result in a significant traffic impact at the intersection of Almaden Road and Curtner Avenue. In conformance with the recommendations of the traffic report, the project developer is proposing to add a second southbound turn lane to the intersection to mitigate this impact to a less than significant level. A requirement for implementation of this intersection improvement has been included in the Draft Development Standards.

Based on these analyses and mitigation included in the project, the Negative Declaration concludes that the project will not result in any significant environmental impact.

## **GENERAL PLAN CONFORMANCE**

### **Land Use Transportation Diagram**

The General Plan Land Use/Transportation Diagram designates this site *Transit Corridor Residential* (20+ DU/AC). The Transit-Corridor Residential designation allows for medium-high and high-density residential uses within 2,000 feet of passenger rail stations with required densities of 20 units or more per acre. The project, which is located within 2,000 feet of the Curtner LRT Station, proposes residential uses at a density of 50 units per acre in conformance with this designation.

### **Greenline/Urban Growth Boundary (UGB) and Housing Major Strategies**

The proposed rezoning furthers the closely related Greenline and Housing Major Strategies of the General Plan. The Greenline/Urban Growth Boundary Strategy specifies that urban development should only occur within the Urban Service Area where urban development can be accommodated and where urban services can be efficiently provided. In support of the Greenline Strategy, the Housing Strategy promotes higher density infill housing, especially close to transit facilities, to ensure the efficient use of land, to reduce the pressure to build more housing at the fringe of the City, to reduce traffic congestion and to promote an adequate supply of housing for existing and future residents. The Housing Strategy recognizes that continued economic growth in the City and region could be adversely affected by an inadequate supply of housing. This vacant site within the existing urbanized area provides an ideal opportunity for infill development in support of these strategies. The current rezoning proposal has the potential to 1) increase the housing supply, 2) serve as a catalyst for neighborhood revitalization, 3) maximize the efficient use of existing infrastructure and future transit facilities, and 4) reduce pressure for growth outside the UGB.

### **Sustainable City Major Strategy**

The Sustainable City Major Strategy emphasizes the strategic location of land uses and appropriate development intensity to shorten trip lengths and to increase the availability and convenience of transit, biking and walking in order to conserve energy and improve water and air quality. The location of this pedestrian-oriented, high-density project proximate to a light rail station furthers the goals of the Sustainable City Strategy.

## **ANALYSIS**

The primary issues associated with this project are access and conformance with the Residential Design Guidelines.

**Access**

Vehicular access to the project site will be provided via a 26-foot wide private driveway from Masonic Drive that runs roughly parallel to the existing Scottish Rite facility driveway. This driveway and associated sidewalk and landscaping will result in a flag-lot configuration once the property is subdivided to separate the residential project from the existing Scottish Rite facility. Staff originally requested that shared access to the residential project be provided via an easement over the Scottish Rite facilities' existing private drive; however the developer's representative indicated that it had not been possible to negotiate an agreement for such shared access. Staff has included a condition in the Draft Development Standards that maintains an option for shared access in the future, should the adjacent Scottish Rite property develop with residential uses. The condition requires an irrevocable offer of an access easement over the currently proposed driveway that would benefit the Scottish Rite property at such time as it is approved for residential development. This condition would make it possible to eliminate the parallel Scottish Rite driveway when that site redevelops.

**Conformance with the Residential Design Guidelines (RDG)**

The primary issues for this project relative to podium cluster development are: 1) neighborhood interface and setbacks; 2) building design, 3) parking; and 4) pedestrian facilities and landscaping.

**Neighborhood Interface/Setbacks**

The Residential Design Guidelines specify that perimeter areas of projects should be designed to be compatible with existing adjacent residential uses and that the protection of the privacy of adjacent residents should be a major consideration in the design of new projects. The project, which is located immediately adjacent to existing single and multi-family residential uses to the south, has been carefully designed in consideration of this interface. In order to provide an appropriate buffer between the project and the lower density residential uses, the rezoning locates the proposed 1.3-acre public park along the majority of the property line between the site and the existing neighborhood. Where the residential project does directly abut the neighborhood, the proposed residential building (Building One) steps down to four stories and is oriented in such a way that the narrow end of the building faces the residential neighborhood.

The Residential Design Guidelines recommend a minimum setback distance between buildings that are 3 stories or greater and existing single-family residential uses of two feet per one foot of building height. While the intervening park provides a substantial setback for Building Two, the proposed 46-foot setback for Building One (four stories and 45 feet in height) is less than the recommended 90 feet. Staff believes that the proposed setback, combined with substantial landscape screening in the area between Building One and the adjoining single-family uses, will provide adequate separation and an appropriate interface with the adjacent residential uses.

Based on this analysis, staff concludes that the project is compatible with the adjacent residential neighborhood and consistent with the intent of the Residential Design Guidelines.

### Building Design

The project proposes two parallel buildings. Building One is approximately 350 feet in length along the eastern edge of the site, and Building Two is approximately 240 feet in length along the western side of the site. The Residential Design Guidelines discourage buildings longer than 150 feet in length while affirming that extremely long buildings, if they are richly articulated, may be acceptable. As proposed, the conceptual elevations indicate buildings that are flat, unadorned, repetitious, and institutional in appearance. The only proposed architectural projections are the balconies, which are placed in a repetitious pattern that does not add visual interest to the buildings. Staff will continue to work with the applicant at the Planned Development Permit stage to ensure that the buildings include appropriate articulation and detailing and high quality materials.

The Residential Design Guidelines specify architectural treatment of the podium edge as a primary design concern for podium cluster housing. The conceptual plans show a podium height of between 18 inches and 6.5 feet above grade. Mechanical ventilation of the garage is proposed, precluding the need for ventilation openings in the podium wall. The conceptual plans show no architectural treatment of the podium edge; however, in most areas, the conceptual site plan includes adequate landscape setback areas to accommodate trees and other landscaping to screen the blank expanse of podium wall. Staff has included a condition in the Draft Development Standards requiring that the podium be no more than 5 feet above grade along 90 percent of its perimeter and no higher than 6 feet above grade at any location. Staff has also included a condition that requires a minimum of 5 feet of landscaping adjacent to the podium. Staff will work with the applicant at Planned Development Permit stage to ensure that the podium is appropriately designed and adequately screened.

While the project does not currently demonstrate conformance with the Residential Design Guidelines in regard to building design, staff is confident that the design issues can be appropriately addressed at the Planned Development Permit stage.

### Parking

The Draft Development Standards include parking requirements in conformance with the Residential Design Guidelines at the following ratios: 1.5 spaces per one-bedroom unit, 1.8 spaces per two-bedroom units and 2.0 spaces per three-bedroom units. Units assigned tandem parking are required to provide 2.0 spaces per unit and 10 percent of the total parking is required to be available for guests. A 10 percent reduction in the required parking is allowed with a Planned Development Permit due to the project's proximity to the Curtner Light Rail Station. The conceptual plans do not currently propose sufficient bicycle and motorcycle parking; however, staff has included in the Draft Development Standards a requirement for bicycle parking at a ratio of one per four units and motorcycle spaces at a ratio of one per ten units.

Based on this analysis, staff concludes that the project conforms to the RDG in regard to parking supply.

### *Pedestrian Facilities & Landscaping*

The Residential Design Guidelines specify that projects should include direct and attractive pedestrian access to nearby transit stops and stations. The project plans include a conceptual pedestrian circulation plan indicating the location of proposed pedestrian facilities. This plan indicates convenient pedestrian access to Curtner Avenue via sidewalks along the Almaden Expressway/Curtner Avenue northbound off-ramp and along the driveway that connects with Masonic Drive. Shopping, transit, and other amenities are within a short walking distance of the project site. The plan includes pedestrian connections to the future park site and to the neighborhood to the south. Due to the project location between the existing neighborhood and the transit and shopping facilities to the north, it is anticipated that pedestrians may use the project site and/or public park as a travel path to connect with those convenient facilities.

The conceptual plans indicate areas of the site where sidewalks directly abut a building and a parking area with no intervening landscaping. The Residential Design Guidelines specify that sidewalks and walkways should be wide and bordered by attractive landscaping. Staff has included a condition in the Draft Development Standards requiring a minimum of 5 feet of landscaping between buildings and parking areas to provide a more appropriate environment along pedestrian paths, particularly those that surround the buildings.

The Residential Design Guidelines specify that landscaping on the top of the podium should attempt to mask the artificial character of the podium with naturalistic landscaping that includes earth-berms, mature trees and shrubs and decorative paving materials. The applicant has provided conceptual landscape plans for the podium courtyard areas that will be refined at the Planned Development Permit stage to ensure that these areas provide well-landscaped and useable open space.

The podium edge extends close to the proposed easterly property line, limiting the type of landscaping that can be provided along this project boundary. In response to this limitation, the applicant has proposed to install trees on the adjacent property to provide an appropriate buffer between the Scottish Rite facility and the project site. Staff has included a condition in the Draft Development Standards requiring that the applicant install a combination of trees and shrubs on the adjacent property to the satisfaction of the Director of Planning.

Based on the above analysis, staff concludes that the proposed rezoning, as conditioned, conforms to the recommendations of the Residential Design Guidelines in regard to pedestrian facilities and landscaping.

### **Conclusion**

The proposed project provides a significant opportunity to further important goals and strategies of the General Plan for transit-oriented, high-density, infill development within the Urban Service Area and conforms to the Residential Design Guidelines in terms of neighborhood compatibility, parking supply, pedestrian facilities, and landscaping. While the project does not currently demonstrate conformance with the Residential Design Guidelines in regard to building design, staff is confident that the design issues can be appropriately addressed at the Planned Development Permit stage.



## **RECOMMENDATION**

Planning staff recommends that the Planning Commission recommend that the City Council approve the subject rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Transit Corridor Residential (20+ DU/AC) and provides a significant opportunity to further important goals and strategies of the General Plan for transit-oriented, high-density, infill development within the Urban Service Area.
2. The proposed project is in substantial conformance with the Residential Design Guidelines.
3. The proposed rezoning is compatible with existing uses on the adjacent and neighboring properties.

## **Attachments**

cc: Erik Schoennauer  
Kurt Andersen  
Richard Tso

SR/Zoning Folder/2004/